

David L. Sobel (*pro hac vice*)
sobel@eff.org
ELECTRONIC FRONTIER FOUNDATION
1875 Connecticut Ave. NW
Suite 650
Washington, DC 20009
Telephone: (202) 797-9009 x104
Facsimile: (202) 707-9066

Kurt Opsahl (191303)
kurt@eff.org
Marcia Hofmann (250087)
marcia@eff.org
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, CA 94110
Telephone: (415) 436-9333 x116
Facsimile: (415) 436-9993

Attorneys for Plaintiff
ELECTRONIC FRONTIER FOUNDATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ELECTRONIC FRONTIER FOUNDATION,)
Plaintiff,)
v.)
OFFICE OF THE DIRECTOR OF NATIONAL)
INTELLIGENCE,)
Defendant.)

Case No. C 07-5278 SI
**STIPULATION RE: MOTION FOR
SUMMARY JUDGMENT**

Plaintiff Electronic Frontier Foundation (“EFF”) and Defendant Office of the Director of National Intelligence (“ODNI”) hereby stipulate to the following and respectfully request that this stipulation be made an order of the Court:

1. The Court will enter an order granting ODNI's motion for summary judgment.
 2. The Court will vacate the hearing on ODNI's motion for summary judgment currently scheduled for March 21, 2008

1 3. To facilitate the parties' negotiation of attorneys fees, the parties stipulate to a
 2 waiver of the time limit established by Local Rule 54-6, to the extent that the order granting the
 3 motion for summary judgment may be deemed to be a "entry of judgment" under that rule. If EFF
 4 and ODNI are unable to reach a mutually acceptable resolution on attorneys fees, they agree to
 5 brief the issue according to the following schedule:
 6

- 7 • EFF will move for attorneys fees no later than April 11, 2008.
- 8 • ODNI will oppose EFF's motion for attorneys fees no later than April 25, 2008.
- 9 • EFF will reply to ODNI's opposition no later than May 2, 2008.
- 10 • The Court will hear the motion for attorneys fees on May 16, 2008.

11 DATED: February 22, 2008

12 David L. Sobel, Esq. (*pro hac vice*)
 13 ELECTRONIC FRONTIER
 14 FOUNDATION
 15 1875 Connecticut Ave. NW
 Suite 650
 Washington, DC 20009
 Telephone: (202) 797-9009 x104
 Facsimile: (202) 797-9066

Respectfully submitted,

JEFFREY S. BUCHOLTZ
 Acting Assistant Attorney General

CARL J. NICHOLS
 Deputy Assistant Attorney General

SCOTT N. SCHOOLS
 United States Attorney

ELIZABETH J. SHAPIRO
 Assistant Director, Federal Programs Branch

17 /s/ Marcia Hofmann
 18 Kurt Opsahl, Esq.
 Marcia Hofmann, Esq.
 19 ELECTRONIC FRONTIER
 FOUNDATION
 20 454 Shotwell Street
 San Francisco, CA 94110
 Telephone: (415) 436-9333
 Facsimile: (415) 436-9993

/s/ Andrew I. Warden
 ANDREW I. WARDEN (IN Bar No. 23840-49)
 Trial Attorney, U.S. Department of Justice
 Civil Division, Federal Programs Branch
 20 Massachusetts Ave., N.W., Room 6120
 Washington, D.C. 20530
 Telephone: (202) 616-5084
 Facsimile: (202) 616-8460
 E-mail: Andrew.Warden@usdoj.gov

23 *Attorneys for Plaintiff*
 24 *Electronic Frontier Foundation*

25 *Attorneys for Defendant Office of the*
 26 *Director of National Intelligence*